IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 5608 OF 2006.

Shri Raju Kamlesh Sawant ..Petitioner

V/s

The State of Maharashtra & Ors. ..Respondents

Mr. N.V. Bandiwadekar for petitioner.

Mr.R.D. Rane,GP for respondent Nos. 2 and 2

Mr. R.M. Pethe for Mr. R.G. Ketkar for respondent No.2.

Mr. Amit Borkar for respondent Nos. 5 and 6

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

DATE : 11TH DECEMBER, 2006.

P.C.

. Though the petitioner was appointed by the University Nominated Selection Committee to the post of Lecturer pursuant to the interview held on 22/10/2000 and the University granted approval, the directions sought for in this petition cannot be given to the University and the University Grants Commission. The

approval by the University as per the communication dated 5/1/2001 really stated that the approval was subject to the petitioner's obtaining the qualification of NET/SET which qualifications are the prerequisite for being continued as a lecturer unless the lecturer has obtained the qualification of M.Phil or Ph.D. Therefore, this petition must fail and for the reasons set out by us in our order Writ Petition No.9385/2005 and connected petitions dated 23rd November, 2006.

2. However, it was submitted by Mr. Bandiwadekar, the learned Counsel for the petitioner that the Government of Maharashtra issued a Circular dated 23/1/2004 directing the Universities and Colleges to continue the lecturers like the petitioner on year to year basis or on contractual basis if such appointments are against reserved posts. The petitioner belongs to VJ (A) category and therefore, if he submits such a representation or if he has already continued, his further continuation in service would be the matter, that will have to be decided by the College and the University in keeping with the Regulations framed by the University Grants Commission in April, 2000 and subsequently, adopted by the Government of Maharashtra

and published in G.R. dated 18/10/2001.

3. Save and except the above observations, the petition fails and the same is hereby rejected.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**